

961459



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(See Issuing Division below)  
PERMIT\*



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1334-02-0003.1 FHA 020001			
Issuance Date <b>JUN 21 2002</b>	Effective Date <b>JUN 21 2002</b>	Expiration Date <b>JUN 21 2007</b>	
Name and Address of Applicant NJ Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625 Attn: Mahesh Patel, Project Manager		Name and Address of Owner	
Location of Activity/Facility (Street Address)  Lot: N/A Block: N/A		Issuing Division  Land Use Regulation Program	
		Name and Address of Operator	
		Statute(s) NJSA 58:16A-50 NJSA 58:10A	
Type of Permit Stream Encroachment		Maximum Approved Capacity, if applicable	

This permit grants permission to:

Replace the existing Route 35 culvert along Hollow Brook with a 20'x 6' rigid frame culvert, construct approximately 530 feet of channel modification, two (2) storm water discharges and one (1) sewer crossing, at a location approximately 1800 feet southeasterly of the Asbury Avenue intersection, in the Township of Neptune, County of Monmouth, New Jersey.

Prepared By: Michael H. Alemzadeh  
Michael Alemzadeh

(See page 4 for section chief's signature.)

Revised Date	Approved by the Department of Environmental Protection		
	Name (Print or Type) _____		Title _____
	Signature _____		Title _____

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. Limit and Extent of Approval
  - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
  - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. Method of Construction
  - a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.

- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
  - b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that ~~this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.~~
  - c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
  - d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
  - e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.
12. In order to protect the downstream fisheries resource, any proposed grading or construction activities within the banks of this or any other stream on site are prohibited between May 1 and June 30 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
13. During construction, all excavation must be adequately monitored for the presence of acid-producing deposits. If any such deposits are encountered, the mitigation and disposal standards outlined in Section 2.5 of the "Stream Encroachment Technical Manual" must be

implemented. An annual post-planting monitoring program must be established to ensure that the re-establishment of vegetation in all disturbed areas, and in each individual basin, shall have a minimum 85% plant survival and coverage rate after two complete growing seasons. Failure to achieve this survival rate will require the implementation of additional corrective measures and/or the reevaluation of this acid producing soils mitigation proposal to ensure the 85% survival rate requirement.

14. The applicant must obtain a Freshwater Wetlands permit or Transition Area Waiver for the proposed construction within freshwater wetlands, wetland transition areas or State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Land Use Regulations Program. Specifically, a review of this project indicates that a Freshwater Wetlands Individual Permit shall be obtained prior to the construction of all proposed elements.
15. All appropriate soil erosion and sediment control methods must be implemented during construction, in accordance with the NRCS standards.
16. The drawings hereby approved are 21 sheets prepared by Hatch Mott MacDonald, dated February 13, 2002, unrevised, unless otherwise noted, entitled:

"ROUTE 35 SECTION 5H HOLLOW BROOK CULVERT REPLACEMENT TOWNSHIP OF NEPTUNE MONMOUTH COUNTY"

"STREAM ENCROACHMET PERMIT PLAN", sheets 2 and 3; last revised June 3, 2002,

"TYPICAL SECTIONS", sheet 5, last revised June 11, 2002,

"ROADWAY PROFILE", sheet 6,

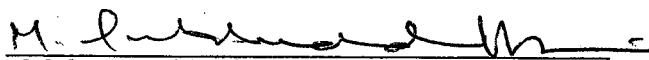
"STREAM PROFILE", sheet 7, last revised June 11, 2002,

"STREAM CROSS SECTIONS", sheets 8 through 20; sheets 12 through 15, last revised June 11, 2002,

"GENERAL PLAN AND ELEVATION-I", sheet 25, undated, last revised June 11, 2002,

"SANITARY SEWER PLAN AND PROFILE", sheet 29, and

"STORM SEWER PLAN AND PROFILE", sheet 30.

  
Mohammed Q. Husain, P.E., Section Chief  
Bureau of Coastal Regulation

6/21/02  
Date